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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,450	08/31/2001	Stephan Brunner	05306.P036	3552

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EXAMINER

DUNHAM, JASON B

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/945,450	Applicant(s) BRUNNER ET AL.	
	Examiner Jason B. Dunham	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 95-104 and 113-117 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 95-104 and 113-117 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/17/06, 3/20/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's telephonic election of Group III, consisting of claims 95-104 and 113-117 on December 5th, 2005 was previously noted. Applicant noted in the remarks dated March 17, 2006 that claims 1-94 and 105-112 have been canceled and claims 95-104 and 113-117 have been amended.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 95-98, 104, and 114-117 are rejected under 35 U.S.C. 103(a) as being anticipated by Klencke (U.S. Patent No. 5,867,709) in view of Strevey (U.S. Patent No. 6,035,305).

Referring to claim 95. The combination of Klencke and Strevey discloses an apparatus composed of logic blocks to customize a product comprising:

- A logic block to create a customizable product, the customizable product including a set of one or more attributes to define the customizable product (Klencke: abstract); The examiner notes that Klencke discloses the creation of a customizable product that follows a set of functions designed to facilitate the process of customizing the product.

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- A logic block to assign the customizable product to a customizable product class, the customizable product class is a parent class of a hierarchy defining the configurator (Klencke: abstract);
- A logic block to add a component product class to the customizable product class, the component product class is a subclass of the customizable product (Klencke: column 4, lines 55 – column 5, line 2);
- A logic block to add a customizable class rule to the customizable product class, the customizable class rule including expressions which define constraints on component products added to the customizable product (Strevey: abstract).
- A logic block to map a customizable user interface to the customizable product class, the customizable user interface to provide access structure to the configurator (Klencke: column 1: lines 11 – 26).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the apparatus of Klencke to have included a customizable class rule including expressions which define constraints on component products, as taught by Strevey, in order to limit the selections that an operator can make (Strevey: abstract).

Referring to claim 96. The combination of Klencke and Strevey further discloses an apparatus wherein the component product class includes component product subclasses (Klencke: column 4, lines 55 – column 5, line 2).

Referring to claim 97. The combination of Klencke and Strevey further discloses an apparatus wherein the component product class inherits the attributes of the customizable product class (Klencke: abstract).

Referring to claim 98. The combination of Klencke and Strevey further discloses an apparatus comprising a logic block to add one or more component product classes to a port (Klencke: figure 3 & column 5, lines 64 – column 6, lines 24); and a logic block to add the port to the customizable product class, the port to allow the configurator to classify a group of component products (Klencke: figure 3 & column 5, lines 64 – column 6, lines 24). The examiner notes that applicant defines a port as a component product and Klencke discloses classes containing product customizations.

Referring to claim 104. The combination of Klencke and Strevey further discloses an apparatus wherein the class rule is a subclass of the customizable product class (Klencke: column 4, lines 55 – column 5, line 2).

Referring to claim 114. The combination of Klencke and Strevey further discloses an apparatus wherein the component product class, customizable class rules, and user interface class are object-oriented classes (Klencke: abstract).

Referring to claim 115. The combination of Klencke and Strevey further discloses an apparatus wherein the customizable product comprises an object-oriented structure (Klencke: abstract).

Referring to claim 116. The combination of Klencke and Strevey further discloses an apparatus wherein the customizable product includes versioning (Klencke: column 3, lines 3-36).

Referring to claim 117. The combination of Klencke and Strevey further discloses an apparatus wherein the configurator is stored in a data store (Klencke: figure 2).

Claims 99-103 and 113 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Klencke (U.S. Patent No. 5,867,709) and Strevey (U.S. Patent No. 6,035,305) in view of Iborra (U.S. Patent Application Publication No. 2002/0062475).

Referring to claims 99-101. The combination of Klencke and Strevey discloses all of the above as noted under the 102(b) rejection, but does not expressly disclose a cardinality attribute to constrain the number of component products to be added to the configurator. Iborra discloses an apparatus including a default, minimum, and maximum cardinality to constrain the number of component products to be added to the configurator (Iborra: paragraph 104). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the apparatus of Klencke/Strevey to have included a cardinality attribute to constrain the number of component products to be added to the configurator, as taught by Iborra, to limit the amount of configurations available (Iborra: paragraph 104).

Referring to claims 102-103. The combination of Klencke and Strevey discloses all of the above as noted under the 102(b) rejection, but does not expressly disclose an apparatus wherein the class rules include a collection of expressions including a property path, constant, operator, or a natural language syntax. Iborra discloses an

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apparatus wherein the class rules include a collection of expressions including a property path, constant, operator, and a natural language syntax (Iborra: paragraphs 59 & 94, figure 11A). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the apparatus of Klencke/Strevey to have included class rules that include a collection of expressions including a property path, constant, operator, and a natural language syntax, as taught by Iborra, in order to define the attributes of the class (Iborra: paragraph 59).

Referring to claims 113. The combination of Klencke and Strevey discloses all of the above as noted under the 102(b) rejection, but does not expressly disclose an apparatus wherein the component product class includes a static attribute not associated with a parent class. Iborra discloses an apparatus wherein the component product class includes a static attribute not associated with a parent class (Iborra: paragraph 94). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the apparatus of Klencke/Strevey to have included a component product class that includes a static attribute not associated with a parent class, as taught by Iborra, in order to define the attributes of the class (Iborra: paragraph 59).

Response to Arguments

The replacement drawings for figures 2 and 4 have been accepted by the examiner and the previous objection has been vacated.

Applicant's amendments to claims 100-101 have over the previous rejection under 35 USC 112 and the rejection has been vacated.

Applicant's remarks concerning the rejection of claims 95-104 and 113-117 under 35 USC 102(b) and 103(a) are moot in view of the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

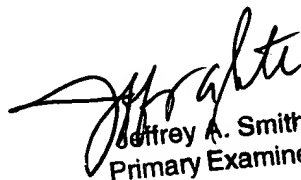
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason B. Dunham whose telephone number is 571-272-8109. The examiner can normally be reached on M-F, 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JBD
Patent Examiner
5/30/06



Jeffrey A. Smith
Primary Examiner